

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

ROBERT EIGNER, :
: .

Plaintiff, :
: .

v. :
: .

KVA TRUCKING LLC, et al., :
: .

Defendants. :
: .

-----X
ORDER

22-CV-1255 (WFK)

WILLIAM F. KUNTZ, II, United States District Judge:

On March 14, 2022, the Honorable Magistrate Judge Roanne L. Mann filed a *sua sponte* Report and Recommendation, recommending this Court remand the above-captioned case to Queens County Supreme Court for lack of jurisdiction. ECF No. 5. Judge Mann listed three deficiencies in the Notice of Removal with respect to diversity, including the absence of (1) Defendant Jose Arrubla's citizenship, (2) the citizenship of the individual members of Defendant KVA Trucking LLC, and (3) a sufficient basis for concluding the amount in controversy satisfies the jurisdictional threshold. *Id.* at 2-3.

On March 21, 2022, Defendants filed an objection to Judge Mann's conclusions. ECF No. 7, Pl.'s Obj. at 1. Specifically, Defendants object to Judge Mann's conclusion that there is not complete diversity between the parties, stating Defendant Arrubla is a resident of New Jersey and thus "there is complete diversity amongst the parties." *Id.* In their objection, Defendants do not address the remaining deficiencies enumerated by Judge Mann, but instead ignore the outstanding issues related to the citizenship of the members of KVA Trucking LLC as well as the jurisdictional amount in controversy requirement.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28

U.S.C. § 636(b)(1). A district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* However, if a party’s objection is ““general, conclusory, perfunctory, or a mere reiteration of an argument made to the magistrate judge, a district court need review that aspect of a report [and] recommendation only for clear error.”” *Parris v. Fremont Inv. & Loan*, 14-CV-06907 (PKC) (RER), 2018 WL 3377147, at *1 (E.D.N.Y. July 11, 2018) (Chen, J.) (quoting *Bassett v. Elec. Arts, Inc.*, 93 F.Supp.3d 95, 101 (E.D.N.Y. 2015) (Brodie, J.)). See also *Ramic v. AFSA Data*, 15-CV-1288 (LEK) (TWD), 2015 WL 7871163, at *1 (N.D.N.Y. Dec. 3, 2015) (applying a clear error standard because the plaintiff’s objections “fail to address particular findings of the Report-Recommendation.”). The Court finds no such error here.

The Court therefore adopts the Report and Recommendation of Judge Mann in its entirety and remands the case to Queens County Supreme Court.

The Clerk of Court is respectfully directed to close any pending motions and close the case.

SO ORDERED.

s/ WFK

Dated: February 13, 2023
Brooklyn, New York

 HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE